

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID K. PORATH,

Plaintiff,

-v-

CITY OF NEW YORK, DIRECTOR, BELLEVUE
SHELTER SYSTEM, and N.Y.S. PAROLE OFFICER
AKANEME,

Defendants.

CIVIL ACTION NO.: 22 Civ. 1302 (JPC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

In response to the letters from Plaintiff David K. Porath (“Mr. Porath”) (ECF Nos. 45–46), the Court directs as follows:

1. The Court construes Mr. Porath’s letter at ECF No. 45 as opposing Defendant Parole Officer Akaneme’s letter seeking permission to move to dismiss the First Amended Complaint (“FAC”). (ECF No. 42). Defendant City of New York still has until March 9, 2023 to file a letter stating whether it intends to move to dismiss the FAC. (ECF No. 43). On receipt of the City’s letter, the Court will consider Mr. Porath’s arguments in determining whether to grant Defendants leave to file motions to dismiss at this time.
2. Mr. Porath’s request for an in-person conference with the Court and a video conference with Defendants’ counsel is DENIED WITHOUT PREJUDICE.
3. Mr. Porath’s request for appointment of counsel is DENIED WITHOUT PREJUDICE. Mr. Porath has failed to make the required showing that would warrant the Court to “‘request’ that an attorney volunteer to represent” him. Genao v. City of New York,

No. 20 Civ. 6507 (PGG) (SLC), 2022 WL 1115563, at *2 (S.D.N.Y. Apr. 14, 2022) (quoting Mallard v. U.S. Dist. Ct. for the S. Dist. of Iowa, 490 U.S. 296, 301–10 (1989)); see Cooper v. A. Sargenti Co., 877 F.2d 170, 172–73 (2d Cir. 1989) (setting forth factors court must consider in determining whether to request volunteer attorney’s representation of pro se litigant); 28 U.S.C. § 1915(e)(1) (“The court may request an attorney to represent any person unable to afford counsel.”).

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Porath at the address below.

Dated: New York, New York
March 7, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

Mail To: David K. Porath
ID#349220-4000
Robert N. Davoren Complex
11-11 Hazen St.
E. Elmhurst, NY 11370